

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 6

January 26, 1996, 6:54 p.m.
Page S-484 Temp. Record

START II TREATY/Ratification

SUBJECT: Strategic Arms Reduction Talks II Treaty . . . Treaty Document 103-1. Agreeing to the resolution of ratification.

ACTION: RESOLUTION OF RATIFICATION AGREED TO, 87-4

SYNOPSIS: As ratified, the Strategic Arms Reduction Talks II (START II) Treaty will limit and reduce the number of strategic offensive nuclear weapons to significantly lower levels than those proposed under the START I Treaty, which entered into force in December 1994. Taken together, START I and START II will reduce the deployed strategic offensive arms of the United States and Russia by more than two-thirds (START I already obligates the other countries of the former Soviet Union that have strategic offensive weapons (Belarus, Kazakstan, and Ukraine) to eliminate those weapons). The Senate ratified START II with eight conditions (which are binding) and 12 declarations (which are equivalent to sense-of-the-Senate statements). Specific details include those details listed below.

Limits:

- by 2001: the total number of deployed warheads that either the United State or Russia may have will be 3,800 to 4,250 (the START I limit is 6,000); multiple-warhead, land-based intercontinental ballistic missiles (MIRVed ICBMs) will be limited to 1,200; heavy ICBM warheads will be limited to 650 (only Russia has such warheads); and submarine-launched ballistic missiles (SLBMs) will be limited to 2,160;

- by 2003: the total number of deployed warheads that either the United States or Russia may have will be 3,000 to 3,500; multiple-warhead, land-based intercontinental ballistic missiles (MIRVed ICBMs) will be banned; heavy ICBM warheads will be banned (only Russia has such warheads, which are on its SS-18 missile); and submarine-launched ballistic missiles (SLBMs) will be limited to 1,750; and

- the treaty will limit launchers, but not missiles, except for the Russian SS-18 heavy ICBM missile (Russia has 154 SS-18 missiles); those missiles and their launchers will be destroyed in the presence of U.S. inspectors or by space launch, except that up to 90 silos may be converted to accommodate only single-warhead missiles of the SS-25 type (the United States will be permitted

(See other side)

YEAS (87)				NAYS (4)		NOT VOTING (8)	
Republican (42 or 91%)		Democrats (45 or 100%)		Republicans (4 or 9%)	Democrats (0 or 0%)	Republicans (7)	Democrats (1)
Abraham	Jeffords	Akaka	Inouye	Ashcroft		Campbell- ^{2AY}	Hollings- ²
Bennett	Kassebaum	Baucus	Johnston	Helms		Coats- ²	
Bond	Kempthorne	Biden	Kennedy	Inhofe		Domenici- ²	
Brown	Lott	Bingaman	Kerrey	Smith		Faircloth- ²	
Burns	Lugar	Boxer	Kerry			Gramm- ²	
Chafee	Mack	Bradley	Kohl			Kyl- ²	
Cochran	McCain	Breaux	Lautenberg			Shelby- ²	
Cohen	McConnell	Bryan	Leahy				
Coverdell	Murkowski	Bumpers	Levin				
Craig	Nickles	Byrd	Lieberman				
D'Amato	Pressler	Conrad	Mikulski				
DeWine	Roth	Daschle	Moseley-Braun				
Dole	Santorum	Dodd	Moynihan				
Frist	Simpson	Dorgan	Murray				
Gorton	Snowe	Exon	Nunn				
Grams	Specter	Feingold	Pell				
Grassley	Stevens	Feinstein	Pryor				
Gregg	Thomas	Ford	Reid				
Hatch	Thompson	Glenn	Robb				
Hatfield	Thurmond	Graham	Rockefeller				
Hutchison	Warner	Harkin	Sarbanes				
		Heflin	Simon				
			Wellstone				

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

VOTE NO. 6

JANUARY 26, 1996

to inspect any silos so converted).

Counting rules:

- existing SLBMs will count as an agreed number of warheads, which will understate the actual capacity for several U.S. and Russian missiles;
- since START II will ban MIRVed ICBMs, each land-based missile will count as one warhead; and
- in the case of multiple-warhead missiles, the number of warheads per missile can be reduced by removing warheads ("downloading") under limits as described below.

Downloading:

- downloading of heavy ICBMs or new types of ICBMs or SLBMs will be prohibited;
- START I limits on downloading will be relaxed, which will allow the United States to make a major portion of its reductions by downloading its multiple warhead Minuteman II ICBMs and multiple-warhead Trident II SLBMs, and which will allow Russia to download up to 105 of its 6-warhead SS-19 missiles by 5 warheads, thus retaining those missiles as single-warhead ICBMs past 2003;
- once a missile has been downloaded, the number of warheads it carries may not be increased; and
- the START I requirement to replace the reentry vehicle bus on a missile that has been downloaded will not be retained in START II (this fact will make it easier to add warheads to a missile in violation of this treaty).

Bomber counting rules:

- "heavy bombers" will be counted as carrying the number of nuclear weapons for which they are actually equipped; and
- each side will be allowed to reorient to a conventional (non-nuclear) role up to 100 heavy bombers that have never been equipped with air-launched cruise missiles (ALCMs; only the United States has such bombers, and it is expected that it will use this option to reorient its entire B-1 strategic bomber force to a conventional role).

Verification:

- START II will adopt the verification provisions that were established under START I, with exceptions; and
- additional verification measures will include: procedures and additional inspections will be adopted to verify that SS-18 silos that have been converted contain only single-warhead ICBMs; exhibitions and inspections will be required to demonstrate to Russia the number of warheads on bombers and to show that bombers that have been converted to a conventional role do not carry warheads; and a Bilateral Inspection Commission will be created to oversee treaty implementation and to resolve compliance questions.

Conditions:

- if the President determines that a party to either START I or START II is acting inconsistently with the object and purpose of either treaty, he will so report to the Senate and will seek to bring the party into compliance through diplomacy; any modification or change to a treaty that is then agreed to will be submitted to the Senate for ratification; if noncompliance persists, the President will seek a Senate resolution in support of continued U.S. adherence to the treaty in question;
- the United States does not accept the view implied by the Russian Federation that Russian ratification of START II is contingent upon the United States adhering to Russia's interpretations of the Anti-Ballistic Missile (ABM) Treaty, nor does ratification of the START II Treaty by the United States in any way obligate the United States to accept any change in the ABM Treaty;
- the exchange of resolutions of ratification will not be contingent upon the United States providing financial guarantees to pay for Russian implementation of START II;
- the United States will consider a series of letters exchanged between senior Bush Administration officials and senior Russian officials on SS-18 missiles in Kazakhstan, heavy bombers, and RS-20 heavy ICBMs as having the same force and effect as the provisions of the START II Treaty;
- space-launched vehicles that are composed of items that are limited by START I and/or START II will be subject to the limitations in those treaties;
- the obligation of each side to the treaty not to interfere with the other side's national technical means of verification (encryption) will not bar the United States from continuing to pursue the removal of the electronic intercept facility operated by Russia in Cuba;
- the START II Treaty will not be binding on the United States until it is ratified by Russia; the President will not reduce the United States strategic nuclear forces below the level currently planned and required by the START I Treaty without first consulting with the Senate, and without notifying the Senate that such reductions are in the national security interest of the United States; and
- within 90 days of ratification, the President will certify and report to the Senate that the United States has the national technical means necessary to verify Russian compliance with START II.

Declarations include the following:

- it is the sense of the Senate that both parties to the treaty should attach a high priority to keeping close control over fissile materials;
- it is the sense of the Senate that the President should not make reductions in the United States' arsenal at a faster rate than Russia makes reductions in its arsenal;
- if other countries expand their strategic arsenals while START II is in effect, it is the sense of the Senate that the President should consult with the Senate on whether continued adherence to START II is in the United States' national interest;

JANUARY 26, 1996

VOTE NO. 6

- the Senate intends to pursue further reductions, but only as consistent with national security interests;
- the Senate urges the President to insist that Russia, Belarus, Kazakhstan, and Ukraine adhere to the Missile Technology Control Regime;
- the Senate intends to consider international arms reduction agreements only if they are presented to it as treaties;
- the Senate affirms that the constitutionally based principles of treaty interpretation as set forth in Condition 1 of the resolution of ratification of the Intermediate Nuclear Forces (INF) Treaty apply to all treaties;
- due to the past pattern of Soviet noncompliance with arms control agreements, and due to continued cases of noncompliance by the Russian Federation, the Senate declares that: START II is in the United States interest only if it is adhered to as measured by performance rather than by intent or any other measure; the Senate expects Russia to be in strict compliance with the treaty; the Senate expects regular briefings from the Administration on Russia's compliance, including why it believes the United States should continue to adhere to the treaty (if it so believes) if Russia is not in compliance;
- after Senate ratification of the treaty, any agreement or understanding which in any material way modifies, amends, or reinterprets United States' or Russian obligations under the treaty should be submitted to the Senate for its advice and consent to ratification;
- it is the sense of the Senate: that deterrence based on mutual and severe offensive nuclear threats is outdated in a strategic environment in which the United States and Russia work cooperatively together rather than as adversaries; that both countries face growing strategic and theater nuclear threats from third countries and groups that may not be deterred by the threat of massive nuclear retaliation; that the Bush Administration and Russia agreed to work to develop together defensive systems against ballistic missile attacks; and that the United States should move forward with Russia on developing and deploying ballistic missile defenses;
- the President is requested to suspend licenses for the use of foreign excess ballistic missiles until he submits a report to Congress on the implications of the licensing approval on the American space launch industry and on non-proliferation concerns; and
- in order to ensure the safety, reliability, and performance of its nuclear force, the United States: is committed to building a new tritium production facility within the next decade; is committed to maintaining the Nevada Test Site at a level that will permit renewed nuclear testing within 1 year of deciding to do so; reserves the right to resume underground nuclear testing; and reserves the right to withdraw from any future arms control agreement to limit underground nuclear testing.

NOTE: A two-thirds majority vote of those Senators present and voting is required to ratify a treaty.

Those favoring ratification contended:

The START II Treaty is in the United States' national security interests. The three major accomplishments of this treaty will be the reduction in the number of deployed warheads, the complete elimination of Russia's SS-18 heavy missiles, and the ban on MIRVed ICBMs. We share many of our colleague's concerns on compliance, resurgent Russian totalitarianism, missile defenses, and other issues, but we are satisfied that the resolution of ratification adequately addresses those concerns.

Ratification of the START II Treaty will result in huge, dramatic reductions in the strategic nuclear arsenals of the United States and Russia. When the Soviet Union collapsed, each side had over 10,000 deployed warheads. When START II is fully implemented, each side will have only 3,000 to 3,500 deployed warheads. Except for heavy ICBMs (only Russia has such ICBMs, the 10-warhead SS-18), the treaty will only require the elimination of launchers, not missiles.

However, because of the next major element of this treaty, the ban on MIRVed ICBMs, it will only be possible to put one warhead on each missile, thereby limiting the number of missiles that may be deployed. By limiting launchers, we will know exactly how many land-based missiles, and how many warheads on those missiles, Russia has deployed. ICBMs are by far the most dangerous weapon in either side's arsenal. They can be fired without warning and they strike within minutes of firing. Missiles fired from submarines and weapons delivered by bombers take much longer to reach their targets, which gives the other side much more time to respond. START II will thus remove the hair-trigger danger of nuclear war that has existed for decades.

The third major element of the START II Treaty, which is related to the ban on MIRVed missiles, is the requirement that Russia totally eliminate its 148 SS-18 missiles. These 10-warhead heavy missiles are the most destructive in its arsenal. The missiles must be destroyed by space launch or they must be destroyed in the presence of United States inspectors by January 1, 2003. Russia must also completely destroy 58 of the huge silos for these missiles, and must either destroy or convert to smaller silos the remaining 90, all in the presence of U.S. inspectors.

If Russia ratifies this treaty and lives up to the above commitments then the United States will be much more secure from massive nuclear attack. However, we agree with our colleagues that there are numerous reasons for concern. First, last month's Russian parliamentary elections were shocking. Three times as many communists won as pro-democracy candidates, and almost as many fascist Ultranationalists now hold seats in the Russian Duma as do the proponents of free market reforms. Russia indisputably has freely chosen to take a step backwards into central planning bleakness and tyranny. However, this fact does not make ratification of the START II Treaty any less in the United States' interests. We have agreed to treaties with Russia when it was far more hostile to the United States than it is now, and we have agreed to treaties when it has been more friendly. In making arms control treaties,

we need to focus on capabilities rather than the vagaries of political passions. Whether Russia is ruled by friend or foe, the START II Treaty is in the United States' interests.

Another concern of our colleagues is with verification. Those of us who serve on the Intelligence Committee have explored this issue at length with United States intelligence agencies, and we have been assured that, while there are some minor areas of concern, the United States is fully capable of monitoring this agreement. To make certain that the Administration understands the Senate's interest in this matter, though, we have included as a condition of ratification that the President must certify and report to the Senate within 90 days that the United States has the national technical means necessary to verify Russian compliance.

The next, related concern is that President Clinton may not respond to a substantial treaty violation. This concern has a recent foundation: President Clinton unilaterally made major concessions to Russia on the INF Treaty. Many of us do not think the President had the constitutional right to make those concessions. To block future such behavior, the resolution of ratification conditions ratification on the President reporting to the Senate on any actions that are inconsistent with the treaty, and it also requires that any changes that are made to the treaty must be approved by the Senate.

The next major reason some Senators oppose this treaty is because they reject attempts by Russia and President Clinton to link ratification of the START II Treaty with the ABM Treaty. Many of us reject that linkage as well, and we have clearly stated in this resolution that a condition of ratification is that the United States does not accept that linkage. We think that whether this treaty is ratified or not, Russia and President Clinton will remain opposed to the United States developing a national missile defense system.

The resolution of ratification addresses numerous other areas as well. The total effect of the conditions and declarations in the resolution will be to define clearly that the United States Senate expects strict adherence to START II by Russia, that the Senate intends to monitor its implementation closely, and that the Senate will only continue to abide by START II if it is in its interests to do so.

For 40 years Americans have lived under the Russian nuclear shadow. START II will not remove that shadow, but it will lighten it. Hopefully it will someday be entirely removed. For now, we urge Senators to join us in ratifying this historic treaty.

Those opposing ratification contended:

How many warheads will this treaty require Russia to destroy?--zero. Except for Russia's SS-18 heavy missiles, it will not even require the destruction of any missiles. The treaty talks about downgrading, reducing, retiring, and converting, which are all processes that can be reversed. Also, we are looking at an agreement that allows Russia to continue modernizing its weapons, to build heavy missiles for 7 more years, to build new submarine-launched missiles, and to build new land missiles, including hard-to-find mobile missiles. The Russians will be permitted to make what they want and then stockpile it; they just will not be allowed to deploy it. The same, of course, will apply to the United States. Both sides will be required to reduce the number of deployed warheads allowed by the START I Treaty (6,000) to between 3,000 and 3,500. However, does anyone doubt that the United States will meet this overall limit by actually destroying 3,000 of its warheads instead of stashing them? The United States will soon cut its nuclear arsenal in half. This treaty will not require the Russians to destroy any warheads.

Senators who believe that Russia will respond to START II by destroying warheads and missiles, which is how the United States will certainly respond, may well be right, but there is no historical basis for that belief. The United States has entered into many treaties with Russia and its predecessor, the Soviet Union, over the years, and Russia has regularly violated every one of those treaties. On an annual basis, successive Administrations have cited Soviet (and now Russian) violations of the Strategic Arms Limitation Talks I (SALT I) Treaty, the SALT II Treaty, the Conventional Forces in Europe (CFE) Treaty, the Intermediate Nuclear Forces (INF) Treaty, the Anti-Ballistic Missile (ABM) Treaty, the Limited Test Ban Treaty, and the Biological and Toxin Weapons Convention. Considering that Russia has always been willing to break express arms control requirements, we do not have any faith that it will voluntarily reduce its nuclear arsenal beyond the express requirements of this treaty.

Any reasonable observer of history, in fact, would have to conclude that it is more likely that Russia will deliberately violate this treaty's express requirements. Anyone who thinks Russia has changed since the collapse of the Soviet Union is simply not paying attention to recent events. For instance, Russian Defense Minister Pavel recently stated that Russia does not consider itself bound by the CFE Treaty, because that treaty was signed by the former Soviet Union. Russia is currently in noncompliance with that treaty as well as the Biological and Toxin Weapons Convention. Further, it is refusing to implement any of the nuclear security and weapons inspection agreements announced by President Clinton and Russian President Boris Yeltsin at their summit meeting last May.

President Yeltsin represents the reformist, pro-democracy forces in Russia. In the recent election for Russia's legislature, the Duma, President Yeltsin's party captured only 55 seats. The Ultrationalists (led by the fanatical Zhirinovsky) won 51 seats, and the Communists took 157. Who is actually in control of Russia's nuclear weapons policy is not certain. As the Intelligence Committee's report on the START II Treaty noted, "Russia's former, and perhaps continuing, biological weapons program may indicate that the Russian military is capable of mounting or continuing a START violation, either in contravention of the wishes of Russia's civilian authorities, or with the knowledge or support of at least part of that leadership."

If Russia attempted to conceal its violations of this treaty, there would be no guarantee that the United States would be able to detect its actions. The Intelligence Committee warned Senators on this point in its report as well, writing, "Members of the Senate

JANUARY 26, 1996

VOTE NO. 6

should understand, however, that U.S. intelligence will have less than high confidence in its monitoring of such areas as nondeployed mobile ICBMs, the number of reentry vehicles actually carried by some ICBMs and SLBMs, and some provisions relating to cruise missiles and the heavy bombers that carry them." For those areas that will supposedly be easier to monitor, such as the on-site inspection of the destruction of SS-18 missile silos, we note that the United States' ability to monitor that destruction will rely on Russia's willingness to go forward with the inspections. What if it does not, just as it is currently blocking agreed-upon nuclear inspections? If past practice is any guide, the United States will protest, but will continue to adhere to the treaty.

Of course, even if the Senate ratifies this treaty, it is by no means certain that Russia will follow suit. The Russians have recently said that they are reassessing the treaty, and that their ratification is based on three conditions: expansion of the North Atlantic Treaty Organization (NATO) must be suspended; financial aid to Russia must be increased; and the United States must adhere unconditionally to the ABM Treaty, which does not allow the United States to build a national missile defense system. None of these conditions is remotely acceptable, but the last condition in particular deserves condemnation. The ABM Treaty, which was crafted to serve the United States' interests in a bipolar nuclear world, makes no sense in the multipolar nuclear world of today. The treaty was intended to promote stability by helping guarantee that both the Soviet Union and the United States had the ability to destroy the other if attacked (Mutual Assured Destruction; MAD). The theory was that neither side would attack if it knew it would be destroyed. If either side worked on developing missile defenses, and came up with breakthrough technology that could defend against the other side's missiles, then that other side would be tempted to launch a preemptive strike rather than be left suddenly defenseless. To avoid this possibility, the Soviet Union and the United States agreed to the ABM Treaty. (Of course, there was never any real possibility that the United States would have launched a preemptive attack against Russia; instead, Russia feared that the United States would build an effective defense and would thus make Russia's nuclear arsenal useless against it).

Many of us found the rationale for the ABM Treaty to be suspect from the beginning. We were thus pleased when President Reagan announced that he would pursue a policy of developing a national missile defense system (the Strategic Defense Initiative (SDI)). The Russians tried to force the United States to abandon SDI efforts in return for supporting START I, but President Reagan refused. Though liberals in Congress have fought and continue to fight a missile defense system as a "star wars" fantasy, the Russians from the beginning understood that it is possible. The Gulf War, with the shooting down of Scud missiles, proved that it is possible to build such defenses. We have much more sophisticated technology available now, and could very quickly build an effective national missile defense against limited ballistic missile attacks.

Such attacks are precisely the type of attacks that the United States is likely to face in the near future. Between 20 to 25 nations have or will likely soon have weapons of mass destruction and missiles to deliver those weapons. Many of those nations, including Iraq, North Korea, and Libya, are led by despotic, irrational rulers, some of whom have already issued threats against the United States. In addition, China, the world's third largest nuclear power, has recently been issuing serious military threats against Taiwan, and has recently asserted that it can attack Taiwan with impunity because American leaders "care more about Los Angeles than they do Taiwan." Our colleagues may not be concerned that a ruthless communist dictatorship has threatened to destroy Los Angeles, but we are.

Unfortunately, President Clinton has accepted this linkage with the ABM Treaty. Like Russia, he is so obsessed with maintaining the MAD basis for the ABM Treaty that he has failed to recognize the much greater threat that now comes from emerging nuclear powers. The danger posed by one warhead possessed by Saddam Hussein is much greater than the danger posed by 6,000 warheads possessed by Russia, because Hussein, unlike Russia, will willingly use any nuclear warhead he can get. We are pleased that this resolution of ratification specifically disavows any linkage between START II and the ABM Treaty, but we fear that disavowal will not be enough. Once the START II Treaty is ratified, it will continually be held up as a reason for refusing to build the national missile defense system that our country so desperately needs.

We know that this treaty is going to pass. With only minimal debate, and with only cursory understanding of this treaty's contents, most Senators are going to vote in favor of ratification. The United States' nuclear forces will be cut in half, and Russia's nuclear forces may be cut in half or they may not be. Further, once the treaty is ratified, it will be much more difficult to gain approval for building a national missile defense system. This treaty will be ratified, but it will not be ratified with our votes.